P 65 E

(2)

App F. IX-4

1954-55
(9 TB)

File No. 50-54-
Serial Nos. 1, 2, 3, 4

Previous References.
rel 14-45-12 13

Later References.
LH 36 C1 M57

GENERAL AND REVENUE SECRETARIAT

Serial Nos. Four

Part B for October 1954

SUBJECT

Lease of land in S.No. 210 of
Maragowdanahalli Mysore city Municipality

WD 01425—GPB—25,000—15-9-1952.

To,

Sri Boriah
L. 8491/1 Dated 13.10.54.
Rejects his request

Dy. Ramakrishnaiah
15/11/54

(1)

7777/ml

Peti d 4-3-54 from Sri. Bhiah, son of Bhimgouda residing in D.No Bole at Gokulam, Vanivilas Mohalla, Mysore, re his land in S. No. 210 Naragundanahalli

1) Orders of the Minister
"Legacy - Issue a stay order & call for records"
(sd) T.C.
7/4/3.

2) submitted with draft letter & draft endorsement.
Mna 4/3.
Sdr 4/3

3) Issue
4/3

To,
The Chairman, M.T.B.
L 15938 d 4-3-54
Issue a stay order

L 15939 d 4-3-54
— Endorsement to Sri. Bhiah.

A Mna
Sdr 9/3

Peti d nil from Sri. Ningegouda & others residents of Gokulam

7777 / 8161 Dis/proposed of land in S. No 210 of Nagavadavalli

Vani Vilas Mohalla, Mysore.

4) Views of the Leg Minister :—
"References"
(Sd) T.C. 27/5/73.

5) A stay order was issued & a report called for from the Chairman, M.U.D.A. in connection with the petition of one Sri. Bolish. who suggested others requests. that the area may be made into small plots & handed over to them the Chairman will be requested to send a detailed report touching on the points raised by Sri. Bolish & Sri. Nagarajaiah & others in the petition was received. A Roft. letter is accordingly put up. An endorsement is also put up to the file.

M. 28/3

Sd/- 2/4

6) Issue

9/4

8161 / 322 Lease of land in S.No. 260 of Rara gowdanahalli

To,
The chairman, M.T.B.
Lr 411 dt 14-4-54
calls for a report.
Lr 412 dt 14-4-54
— endorsement to the
file.

Letter No. BL. C. 121/51-52 dt 5/4/54
from the chairman, M.T.B.

The chairman has been requested to send a report on the further representation received from Sri. Ugregowda & others. A draft letter is put up to get a report as called for on this petition.

15/4

15/4

8) Issue
15/4

To,
The chairman, M.T.B.
Lr 844 dt 20-4-54
calls for a report.

~~Letter No. BL. C. 121~~

Letter No. B2-C.121/51-52 dt 20/4/54
from the chairman, M.T.B.
Sent the letter dt 23-4-54 from
the same office.

submitted with a note.

9) Sri. Boriah appealed against the decision of the Mysore Trust Board in regard to the disposal of land in S. No. 210 of Margowdanahalli. The grounds for the appeal are that the Trust Board leased the land in 1951, that he made certain improvements to improve the land, that the Board has decided to auction the lease by making small plots, though he applies for the extension of the lease granted to him, as there is standing crop, and prays that orders may be passed to extend the lease, as otherwise he would be put to great loss. He further says that the decision taken by the Board contravenes the provisions of ~~Transfer of Property Act~~ the Tenancy Act. (page 2)

10) The facts of the case, as set out in the chairman's letter of 5-4-54 (flg B), are as follows:— (page 17)

~~(1) Acres and 8 guntas of land was~~

(1) 5 acres and 8 guntas of land was acquired in 1945 in Maragowdanahalli for improvement purposes and the Board has been in possession of the land since, 1948.

(2) It was found that the land was being cultivated by Sri. Boriah, paying an annual rent of Rs 150/- to the owner from whom the land was acquired.

(3) In response to the notice issued by the Board on 14-5-57, he surrendered the land to the Board — Vide his statement of 20-6-57 (flg T) (page 23)

(4) He was permitted to reap the crop standing thereon on or before February, 52 on payment of

Serial No.

Rs/00 in advance.

(5) on his subsequent representation, the land was leased out to him for one year from 1-2-52, as agreed to by him in his petition dt 18-12-51 (flg 1<) vide page 2:

(6) on expiry of the lease, he went on cultivating the land without permission and he executed a Muchalika under pressure on 3-12-53 (flg 5) agreeing to surrender the land without claiming compensation. the term of the lease expired on 31-3-54.

page 21

(7) The land was put up for lease/sale for 6-3-54 and the govt have stayed the sale.

para 3 of the chairmans letter dt 5/4/54 (flg B- page 17)

(8) 11) In the above facts, the chairman says that the land was surrendered to the Govt after the expiry of the lease on 31-3-54, as per agreement executed by the party and the tenancy is only on one year basis, as per proviso to section 5 of the Tenancy Act, vide below:—

para 4 DO.

"provided that with the consent of the land-lord, any tenancy can be terminated by a tenant before the expiry of 5 yrs by surrendering his interest as a tenant in favour of the land-lord."

para 9 DO.

12) The chairman further says that these lands were intended to be kept for the use of the tenants

Note.—Contn. Sheet

(6) Disposal of land in S.No. 210 of Naragondanahalli, Hy/Dist.

File No. 8161/32/676/56. of 195 .

Mysore Government Secretariat

of gokulam, for whose benefit the lands were acquired and that the Board has decided to lease the lands to the residents of gokulam in small plots for grazing purposes or for small gardening subject to the condition that they should surrender when required.

Serial No.

| flg V (page 24)

13) There is a counter petition by one Sri. Nagegowda & other residents of gokulam requesting that the decision taken by the Board may be upheld, as the area was meant for the benefit of the residents of the gokulam and that the land will be used as pasture only, till such time the Board requires for any purpose.

| x flg Z (page 11)

14) In the above circumstances, the decision taken by the Board may perhaps be affirmed & the stay order vacated having regard to the facts set out under para 10 above and to the fact that the interest of many for whose benefit the land is proposed to be leased cannot perhaps be ignored for the benefit of a single individual, who had all the advantages for the last 4 to 5 yrs. for others with reference to paras 1 and 4 above.

| x page 4 of the written statements. (pages 1 & 2 ~~00~~)

15) The report of the Chairman dated 5-4-1954 gives the history of the case in detail. There is no reason to allow the party to cultivate the land any

WD 04861—GPB—60,000—22-1-54

Mysore Government Secretariat

322 / 756 / 52 File No. 2216. 7 of 195 [App. F. III 2

Disposal placed in S. No. 210 of Nanagondanahalli - Mysore.

Serial No.

longer. The Tr Bd may be allowed to take back the possession of the land. The stay order may kindly be vacated

Secy (Dev.)

16) I agree

Minister

17)

18/6/54.

to the chairman, M.T.B

18) Draft letter and a draft endorsement to Sri Borich are putup.

23/6 24/6 28/6

19) Issue

31/7

TO, The chairman, M.T.B

Sri Borich

1.3748 & 7-7-54

Rejects his

Officers of the Dept. of the T.B.

1.3744 & 7-7-54

— Endorsement to Sri. Borich.

— Rejects his request

B/M

Note.—Contn. Sheet

SECRETARY TO GOVT. P.W.D. & L.S.G. DEPARTMENT
7 JUN 1954

OFFICE OF THE MINISTER FOR PUBLIC HEALTH & LOCAL-SELF GOVERNMENT.
10 JUN 1954
No 1178

SECRETARY TO GOVT. P.W.D. & L.S.G. DEPARTMENT
18 JUN 1954

(8)

Lease of land in S.No. 210 of Maragondanahalli

File No. 8 of 195 . — Mysore

Mysore Government Secretariat

Serial No.

~~Letter No. B.L.C. 111 of~~

Appeal petition dt 21-7-54 of Sri. Obriah through his Counsel Sri. P.T. Chikkaobriah on the subject of 20) Orders of the Minister Legislative & Urban Deptt. "

21) Sri Obriah has now appealed (2nd) T.C. 28/7. against the orders already passed rejecting his request to allow him to have possession of land in S.No. 210 of Maragondanahalli Village, Tiptur, for cultivation purposes.

The orders already passed are in accordance with the decision taken as in paras 15, 16 and 17 (overleaf)

22) The petitioner now says that he has already raised crops in the land and if he is dispossessed of the land now, in the middle of agricultural season, he will be put to a great loss. He prays that the land may be ordered to be allowed in his possession till the T.B. requires it.

23) The intention of the petitioner appears to be that the land should always be leased to him till

Serial No.

the T.B. takes up improvement works. But the T.B. has already decided to lease the land to others in small plots - particularly to those residing in gothanam who are Milk Vendors - for grazing purposes and for small gardening, as already noted in para 12 of the notes (page 5 of the note sheets).

24) As the petitioner says that he has already raised crops on the land in his possession. of what he says is correct, it is perhaps not desirable to take back the land from him at this ~~stage. The land actually raised with~~ stage. The chairman may perhaps be requested to inspect the area and allow the petitioner to have the land in his possession, ~~if he has also~~ till this harvest season, if he has already raised crops and issue an endorsement to the effect that under no circumstances, the lease would be continued further.

A

25) Proposal at 'A' above is for orders with reference to para 17 (in page 7) and para 20 in the previous page.

M. 2/8.3/8

26) Call for opinion of the Chairman on the petition presented by Sri Boraiah

Note.—Contn. Sheet

(10)

Lease of land in S.No. 210 of Naragondanahalli, Mysore

File No. 321 5 V 4273 of 195

Mysore Government Secretariat

	Serial No.	
27) A draft letter in furtherance ... 28) Issue Mr 13/8 (illegible) 16 17/8 ... 28/8		
To, The Chairman, M.T.B. 2 6.5/15 dt. 4-9-54 calls for a report. for Mr		
Letter No. B.Dis.c.121/57-52 dt. 14-9-54 from the chairman, M.T.B.		
29) The report× of the chairman, M.T.B, now received is submitted for perusal. He is not in favour of allowing Sri. Avriah to have possession of the land. The chairman says that the "jola" crop of the applicant has been removed by him and there is nothing on the land except a small plot of grass & this is the proper time to take possession.	1	page 47 paras 4 of the letter dt 14-9-54 (page 47)
30) In these circumstances the petition dt 21-7-54 (page 36) may be rejected and orders already passed may be stand, also ... to over with reference to para 20 above. 31) Put a letter accordingly. Mr 24/9 (illegible) 26/9 This is very urgent 28/9	1	× Vide paras 16 & 17 of the note (page 7) of the note sheets)

Lease of land in S.No. 210 of Ramagondanahalli of Mysore.

Mysore Government Secretariat | 4273/M File No. (11) of 195 . | [App. F. III 2

Serial No.

32) Draft memorandum stating — Ref para 31 in the previous page.

M. 29/9 29/9 33) For perusal before issue

Secy Dy

34) 2/X/54

35) Memo issued

To,

Sri. Boriah.

28491/S13-10-54

Rejects his request.

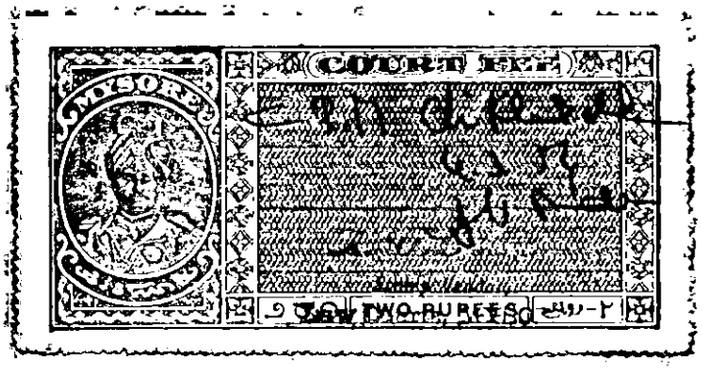
28492/S13 10/54 — to the chairman

a copy.

B/m

S

Notes.—Contn. Sheet



(1)

IN THE COURT OF Hon'ble Health Minister Govt of Mysore Bangalore

No. of 195 –195

~~Plaintiff/Appellant~~/Petitioner
~~Decree-Holder/Claimant~~

Defendant/Respondent
Judgment Debtor

Bonaiah

Vs.

1. I/~~We~~ petitioner above named do, by these presents, retain Messrs C. J. Devanath B.A LL.B and P.M. Chikkabmiah B.A.B.L. Advocates to appear and conduct the above case on my/our behalf to judgment.

2. I/~~We~~ further empower him/them to appear, plead, file petitions, enter into compromise and do all necessary acts in the above case, to execute any decree or order, that may be passed in my/our behalf, to prefer an appeal from any order, judgment, and to receive from the Court all documents, refunds and all sums of money that I/~~We~~ may be entitled to get and grant receipts therefor and to effect compromise or settlement.

3. I/~~We~~ also undertake to confirm and ratify all the acts done by any of the said Advocates or by any other Advocate or Pleader on his/their behalf in so doing.

4. I/~~We~~ further agree that if I/~~We~~ fail to pay the fees agreed upon or to give due instructions at proper stages he/they are at liberty to retire from the case and recover all dues due to him/them.

3 - 3 - 1954

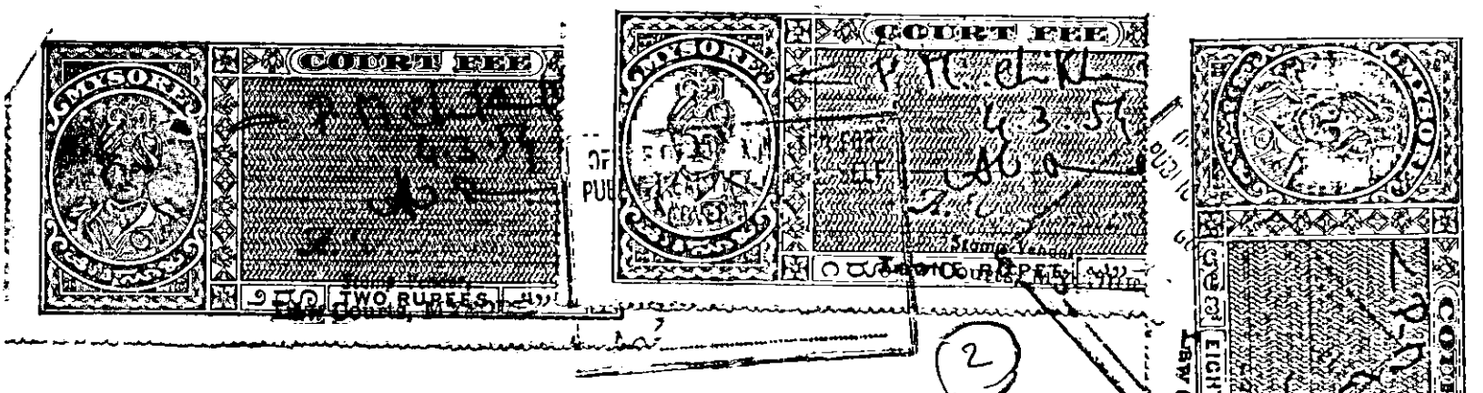
ಬೋನಯ್ಯ

Accepted.
C. J. Devanath
P.M. Chikkabmiah
3/3/54.
Advocate for

Personally known to me and signed in my presence.
C. J. Devanath
P. M. Chikkabmiah
Advocate for 4-3-54.

Forms can be had of :- The Bar Association Co-operative Society, Ltd., Mysore.

Vyasa Patrika Press, Mysore



BEFORE THE HONOURABLE MISTER FOR HEALTH AND TRUST BOARDS,
Government of Mysore,
BANGALORE.

OFFICE OF THE MINISTER FOR PUBLIC HEALTH & LOCAL-SELF GOVERNMENT.
4 - MAR
No 2786.

7777
MAR 1954

Petitioner. Boriah son of Boregowda, residing in Door No.3018, at Gokulam, Vanivilas Mohalla, Mysore City.

The petitioner begs to state as follows:

1. That the petitioner is a poor agriculturist by profession and caste. He being the only earning member, with no lands of his own, has been cultivating S.No.210 of Margowdanahally village, Mysore Taluk, which belongs to the -- Mysore City Improvement Trust Board. The petitioner with hard work and intensive cultivation of the aforesaid land has continuously managed to maintain his family consisting of 8 members.

xxx
L.S.G. Secy.
Issue a Stay order & Call for records.
4/8/54
xxx
Issue now

Facts of the case.

The land under dispute i.e.S.No.210, Margowdanahally village the extent of which is 5 acres 8 guntas was owned by one Sri.C.S.Rangaswamy Iyengar and subsequently in the year 1951, the Mysore City Improvement Trust Board acquired the same. Thus the land vested with the Mysore City Improvement Trust Board. But inspite of this change in ownership, the petitioner has been in continuous possession and enjoyment of this land for the last fourteen years. Sri C.S.Rangaswamy Iyengar, the previous owner had leased this land

(3)

for a rent of Rs.40/- for about 8 years and then it was enhanced to Rs.100/-. Further the Trust Board in the year 1951, enhanced - the rent to Rs.200/- and at that time the then Chairman assured that the petitioner's lease will never be disturbed. The petitioner -- trusting this assurance made certain improvements such as levelling up the ground by which he brought the whole area under cultivation and constructed a big bund across this land so as to prevent destruction of crop from tank and heavy rush of rain water. There is a small breached tank towards the south of this land which has made this a marshy place. In connection with the aforesaid improvement work, the petitioner in addition to his family labour, has spent more than Rs.500/-. After all such works have been done, the complete area of the land is under cultivation. It is only last year, the petitioner got good crop as a reward for his hard labour and improvement all these years.

At this juncture, some persons who are not in good terms with the petitioner and also who are engaged in Government service have filed two or three applications to the City Improvement Trust Board to get this land ~~and cut~~ only with a view to cause trouble to the petitioner, by depriving the only source of income to his family. This year, the petitioner filed an application to the Chairman, seeking his permission to remit the lease amount of Rs.200/-. But unfortunately the Chairman

(4)

issued an endorsement directing the petitioner to vacate the land and hand over possession to the Sub Overseer which is herewith produced. Further, about a week back the Chairman has announced in the Notice Board of his office that the aforesaid land lease, will be sold by public auction on 6-3-54.

This order of sale and direction of eviction are against ~~the~~ law, ~~and~~ justice and equity on the following grounds.

1. The policy of the Government is to safeguard the interest and to provide all possible fecilities to tthe tenants. With that noble idea the Tenancy Act was given effect to throughout the State.

2. The petitioner has nothing to fall back upon if this only source of his family income is cut off. Apart from this he has incurred a heavy debt in making improvements to this land. Inspite of this he is made to forego his right to reap the fruits of his labour his family will be completely ruined.

3. As the petitioner did not ever thought of eviction, or Mysore City Improvement Trust Board authorites never at any time informed of this idea. he cultivated the land as usual and at present he has planted tomatoes in about 1½ acres and some other vegetables in another ½ acre. The crop is just two -- months old and it has commenced yielding only this week. In case if he has to loose this

(5)

crop means this poor family will have to starve throughout this year.

4. To provide an opportunity or to hear the representations of the tenant both -the Transfer of Property act S.106 and the Mysore Tenancy Act have laid down certain principles. The Chairman has violated those formalities contemplated under law. More than all, the tenant might have been given an opportunity to represent his grievances for his kind consideration. Instead of this, the present -- order is highly prejudicial to the petitioner's interest and against the law, equity and justice.

5. Under these circumstances, the petitioner's case deserves sympathetic consideration in doing justice and to save this poor agriculturist's family. The balance of convenience is to stay the auction proceedings announced by the Chairman and allow this person to continue as tenant so that the standing crop at present may not be in any way interfered with any one else.

Wherefore, the petitioner most humbly prays that the lease of the land of S.No.210 of Margowdanahally village, Mysore Taluk may kindly be granted in his favour and further ordered that during the perdency of this petition the sale proceedings may be stayed.

P.R. [illegible]

Advocate for
Petitioner.
4-3-54.

[illegible]
Petitioner.

L 15938/E-2 (6) (1)

dt 4-3-54

The Chairman,
City Improvement Trust Board,
Mysore.

Subject: Lease of land in Survey No.210 of Margowdanahalli.

In forwarding herewith a copy of petition dated 4th March 1954 received from Sri Bore Gowda, on the above subject, I am directed to request you to stay further proceedings, pending issue of final orders in the matter.

A report together with records, pertaining to the case may kindly be sent immediately.

Yours faithfully,

(V.Hanumanthappa)
Asst. Secrtary to Government,
L.S.G. & Planning Departments.

knr-2/4.3

ppendix F.G—1]

Lease (9) (6)

SUBJECT Acquisition of land in S. No. 210 of Bangawadi and Belli

Section

File No.

Serial No.

Diary No. of letter replied to.....

No. L 15938 E 2

To 4-3-54

Mysore Government Secretariat

( )

the 195 .

The Chairman, C.I.T.

Bangalore, Mysore.

Sir,

I am forwarding herewith a copy of petition dt 4-3-54 received from Sri. Bangawadi on the above subject, I am directed to request you to stay further proceedings in the matter of issue of final orders in the matter. A report together with records may be sent immediately.

Date of issue.....

Signed by ..... a copy filed

List of enclosures.....

Copied by ..... V.N. 4/4

Examined by.....

WD 03545—GPB—40,000—25-6-53

for Asst

(8) (9)

GOVERNMENT OF MYSORE.

Mysre Government
General and Revenue Secretariat,
(Municipal Branch)

No. L 15939

Dated, Bangalore, 4-3-1954

ENDORSEMENT.

To

Sri Boriah, son of Bore Gowda,
Door No.3018, at Gokulam,
Vani Vilas Mohalla,
Mysore.

Thro' his Counsel

Sri C. J. Devanath, B.A., LL.B., M.L.C.,
Advocate,
Mysore City.

Subject: Lease of land in survey No.210 of Margowdanahalli.

With reference to his petition dated 4th March 1954 addressed to the Minister for Public Health and Local Self-Government on the above subject, Sri Boriah is informed that the Chairman, City Improvement Trust Board, Mysore, has been requested to stay further proceedings and send a report in the matter, and that final orders will be passed as soon after the receipt of a report from the said officer.

(V.Hanumanthappa)
Asst. Secretary to Government,
L.S.G. & Planning Departments.

knr-3/4.3

(9)

GOVERNMENT OF MYSORE.

Mysre Government
General and Revenue Secretariat,
(Municipal Branch)

No L 15939

Dated, Bangalore, 4 3 1954

ENDORSEMENT.

To

Sri Boriah, son of Bore Gowda,
Door No.3018, at Gokulam,
Vani Vilas Mohalla,
Mysore.

Thro' his Counsel

Sri C. J. Devanath, B.A., LL.B., M.L.C.,
Advocate,
Mysore City.

Subject: Lease of land in survey No.210 of Margowdanahalli.

With reference to his petition dated 4th March 1954 addressed to the Minister for Public Health and Local Self-Government on the above subject, Sri Boriah is informed that the Chairman, City Improvement Trust Board, Mysore, has been requested to stay further proceedings and send a report in the matter, and that final orders will be passed as soon after the receipt of a report from the said officer.

(V.Hanumanthappa)
Asst. Secretary to Government,
L.S.G. & Planning Departments.

knr-3/4.3

M. G. S. App. F. G. 3.

MYSORE GOVERNMENT

SECRETARIAT

(*Continuation sheet draft form*).

subject to ~~receipt~~ ~~Acquittance~~ flawed in S.W. 210 by Rangaswamaiah

(8)

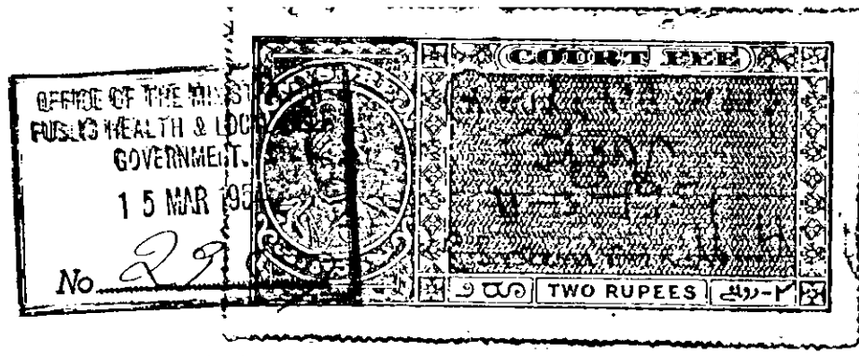
L/5939/4-3-54

Endorsement granted to Sri. B.V. Rich, Son of B.V. Bheemaiah D.No:3018 at Gothulam, V.V. Mohalla, Mysore. Thro' his Counsel Sri. C.T. Devanath & Sri. P.T. B.A.L.L.B. Advocate, Mysore city.

With reference to this dt. 4-3-54 addressed to the Minister for P. & Tpt on the above subject, Sri. B.V. Rich is informed that the Chairman, C.I.T. Mysore, has been requested to stay further proceedings & send a report in the matter & that final orders will be passed soon after the receipt of a report from the said officer

for Secretary.

WD 03546—GPB—10,000 —14-8-53



(103)

8161

To,

The Minister,

Local Self Government & Public Health,

Public Offices, Bangalore.

Petitioners: Ugregowda and other residents of Gokula,

Vani Vilasa Mohalla,

Mysore City.

Lsgsecy

Reference

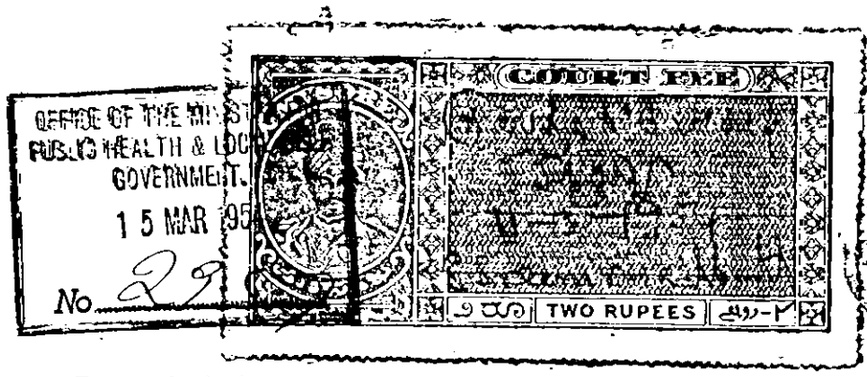
1573

S. MA

Respected Sir,

" Gokulam" was started with the intention of giving facilities to persons who deal in Milk and Milk products, by rearing cattle, and to put all such persons in one place at some distance from the city. A few buildings were constructed for this purpose during the regime of Sri Srinimasan, Chairman, City Improvement Trust Board. The then Chairman promised the people to acquire all the lands in front of the ' Gokulam buildings' and to divide them into plots of lands and attach one plot for each house, for tethering cattle etc., ~~use~~.

Till recently the entire open space in front of the Gokulam buildings was lying vacant and no body was objecting to the use of the same by the persons of these locality. About 10 years back for this purpose itself S.Nos, 210 of Hargowdanahally, Mysore taluk, about 5 acres and 8 guntas in extent was also acquired from one Sri. Rangaswamy Iyengar. One Boregowda who was in possession of the land, had put in brick kilns twice, lowered the level and never allowed possession to the Trust Board. During the time of Sri. Gopala-Krishna Setty, Chairman, City Improvement Trust Board,



(103)

8161
1 SEC.

To,

The Minister,

Local Self Government & Public Health,

Public Offices, Bangalore.

Petitioners: Ugregowda and other residents of Gokula,

Vani Vilasa Mohalla,

Mysore City.

Lsgrsecy
Reference
JL
1573
S: MA

Respected Sir,

" Gokulam" was started with the intention of giving facilities to persons who deal in Milk and Milk products, by rearing cattle, and to put all such persons in one place at some distance from the city. A few buildings were constructed for this purpose during the regime of Sri Srinivasan, Chairman, City Improvement Trust Board. The then Chairman promised the people to acquire all the lands in front of the ' Gokulam buildings' and to divide them into plots of lands and attach one plot for each house, for tethering cattle etc., ~~use~~.

Till recently the entire open space in front of the Gokulam buildings was lying vacant and no body was objecting to the use of the same by the persons of these locality. About 10 years back for this purpose itself S.Nos, 210 of Hargowdanahally, Mysore taluk, about 5 acres and 8 guntas in extent was also acquired from one Sri. Rangaswamy Iyengar. One Boregowda who was in possession of the land, had put in brick kilns twice, lowered the level and never allowed possession to the Trust Board. During the time of Sri. Gopala-krishna Setty, Chairman, City Improvement Trust Board,

(152) (11)

Mysore, he was forced to give possession of the land, and on some pepresentation, he was permitted as a sort of concession, to continue in possession for a short time and taking of actual physical possession was postponed. Then there was change in the office and taking this advantage he continued and never gave possession of the land, and nas successfully managed to remain in possession using his influence as an ex-servant of the Mucipality.

In addition to this land there is nearly another 10 acres of land, which are being used, only by three persons Hanumaiah, Thimmaiah and Narasaiah, Muncipal and palace servants, on a nominal rent of Rs. 5/- per year. Of late for the last two years, these people have converted them into vegitable gardens using all the sewage waters. Normally ' Gokulam ' is marked in the malerial map as a godd breeding centre of Musquitos and were not allowing the use of the sewage waters by the officers of the Health Department. These being servants of the Muncipality have successfully avoided. An inspection (Surprise) will convince the truth or otherwise of the allegations.

It was never the intention of the Trust Board in acquiring private land under cultivation (Dry) to grant the same to other persons for higher rent or otherwise and reap benifit. For public purpose it was acquired and must be used only for public purpose. Anology of Tenancy Act, Transfer of Property Act, etc., cannot hold good in this case, and that is why Government also have carefully stated that those things do not apply to Government Lands.

(12) (13)

Recently Trust Board, added few more buildings in the said locality and those buildings have been given as quarters to the nurses of the Sanitorium Hospital. That is another reason to be taken into consideration whether the open space ~~xxxxxxxxx~~ in front of the Gokulam Buildings be kept clean and tidy or allowed to be given for cultivation for a selected few on a nominal rent, freely using the sewage waters.

We represnted these matters to the Chairman, City Improvement Trust Board, Mysore, orally and through application several times, and he was also pleased to ~~inspect~~ the locality and promise to give the said lands to allthe persons for using it only as pasture land and not to use the sewage water for raising crops etc., till concrete proposals are approved to improve the locality. For this purpose he had fixed 6-3-54, to sell them in small plots for all persons only to be used as pastrue land temporarily, and we now learn that a stay order nas been issued by you stopping the auction.

We very much regret for the state of affairs and submit, that the entire lands be given to all the persons of the locality for using at as pasture land only, without ~~raising any crop using the sewage waters, till improvements~~ are made. Number of plots may be ~~xxx~~ made and alloted by fixing some fair rent, till such time The Trust Board does not require for any purpose, and secondly prevent the use of sewage waters within a belt of half mile from dewlling quarters.

We trust and pray that suit-able orders will be

passed

(14) 13

passed keeping the common public interest in view without favour or fear. Because if common interest is taken into consideration, individual interest will certainly suffer a little.

Therefore we once again pray the said lands ~~xxx~~ to be given to all the persons of the locality, if the Trust Board wants to lease it, only as pasture land and not lease it to a selected few.

We thank you Sir, and remain,

Yours Truely,

Residents of Gokula,

N.B. Communication may be addressed to one of us viz.,

Ugregowda alias Dodda Thammaiah,
3016, Gokula, Vanivilasa Mohalla,
Mysore.

L. T. M. L.
Dodda Thammaiah

L. Hudlich
M. S. Iyengar
S. Railway Guard

P. G. Harris
M. Harris
S. David Jayaweerde

R. Muthusamenaidu

T. N. Shamaiah
K. R. Thimmaiah

H. Manuel
Govinda Rao

ON INDIA GOVERNMENT SERVICE.

No.

To

Sri Nagarajappa & others
& Gokula.
Vani Vilas Mohalla
Mysore

Despatching Clerk,
Muni. Branch,
Gen. & Rev. Secretariat,
Bangalore.

(5) (11)

GENERAL AND REVENUE SECRETARIAT,

Bangalore, dated 16-4-54

No. L 412

ENDORSEMENT

With reference to ~~his~~ the petition, dated ....mil....,
addressed to the ....Director for P.H. and Tgs....

As per rent of lands in front of the Gokulam buildings.

on the marginally noted subject, the petitioner is informed that ~~their~~ petition is receiving attention / ~~forwarded~~ to

~~the~~.....

By Order,

For *Secretary to Government,*
Local Self-Govt. Department.

Appendix F.G—1]

(15)

SUBJECT Lease of land in S.No 210 of Nanjangud Taluk

Section

File No.

Serial No.

Diary No. of letter replied to.....

No. L 411/14-4-54

To

The Chairman,

C.I.T. Board,

.....

Mysore Government Secretariat

( )

the *195*

Date of issue.....

Sir,

Signed by .....

In continuation of this office letter No. L1 5938 dt. 4-3-54 on the above subject, I am directed to send herewith a copy of petition and enclosures received from Sri Nanjegowda & others & to request you to send immediately a detailed report

List of enclosures.....

Copied by.....

Examined by.....

WD 03545—GPB—40,000—25-6-53

(166) (15)

touching on the points referred to in the petition dt 4-3-54 of Sri Boregowda sent with this letter dt 4-3-54 and on the points now raised in the petition of Sri Boregowda & others

yours

Dy Sy

Asst Sy.

Sir

(17)

No.B2.C.121/51-52.

cl. 1. Copy of T.B.R.Nos. 443 and 450,
2. Copies of three statements,
3. List of trees standing on the said land.

OFFICE OF THE CHAIRMAN,
CITY IMPROVEMENT TRUST BOARD,
POST BOX No. 55, MYSORE.

Dated 5th April 1954.

FROM

SRI S. LINGANNA,
Chairman, City Improvement Trust Board,
MYSORE.

To

Sri G.Venkatakrishna Rao, B.Sc.,(Hons), I.A.S.,
Secretary to the Government of Mysore,
Local Self-Government Department,
BANGALORE.

SIR,

Subject: Lease of land in Survey No.210 of Maragowdanahalli village, Mysore Taluk.

With reference to your letter No.L.15938 dated 4-2-1954 received here on 5-3-1954 re: the above subject, requesting to stay further proceedings and to send a report together with records pertaining to the case, I write to state that survey No.210 (measuring 5 acres and kharab 8 guntas) of Maragowdanahalli village was acquired by the Board for improvement purposes as per G.O.No.L.2390-5/M1.14-45-13 dated 24-9-45 at a cost of Rs.2482-13-0 and has been in possession of the Board since 9-8-1948.

2) On the representation of Sri Thammiah, son of Sri Rudre Gowda and Hanumiah of Gokulam, for leasing out the above said land for grazing purposes, the matter was examined, when it was found that the land though in the possession of the Trust Board was actually being cultivated by the said petitioner Boriah, paying an annual rent of Rs.150/- to the previous owner of the land. Necessary action was therefore taken by this office to evict him from the land. Even Police help was resorted to in this connection. Action has also been taken separately to recover the arrears of rent due to the Board from the date of payment of compensation and penalty for unauthorised cultivation. In response to the notice issued to him on 14-5-1951 to surrender possession of the land, the petitioner appeared before this office and gave a statement on 20-6-1951 surrendering the possession

(Page 23)

P.T.O.

(18)

of the land with the standing ~~xxxxxxxxxxxxxxxxxxxxxxxxxxxxxx~~ crops and expressing that he would not enter upon the land without written permission of the Board (vide copy enclosed). He was however permitted to reap the crop standing thereon, on or before February 1952 on payment of Rs.100/- in advance. On his subsequent representation, the land was leased out to him for one year from 1-2-1952, as agreed to in his petition dated 18-12-1951 (vide Pg K (page 22) copy enclosed) and a rent of Rs.200/- was fixed.

3) On the expiry of this lease period, the party went on cultivating the land without permission and he executed a mutchalika under pressure on 3-12-1953 before the undersigned, agreeing therein to Pg J (page 21) surrender the land after the expiry of the term of lease without claiming compensation whatsoever (copy enclosed). The term of lease expired on 31-1-1954 and the land was put up for lease sale on 6-3-1954. Hence the appeal. The sale has been stayed as per directions of Government.

4) The petitioner states in his application that while enhancing the rent to Rs.200/- the then Chairman assured him that the lease would never be disturbed. A perusal of the records discloses that no such assurance was held out. Nextly, he says that he has spent more than Rs.500/- for improvement of the land. This statement cannot have any support, for the reason that the land has all along been under cultivation. The statements made by him in his application are only an after-thought just to evade handing over possession of the land. He seeks shelter under the "TENANCY ACT". Under Section 5 of the Tenancy Act, the tenancy shall be for a period of 5 years and proviso to that section runs as under:-

> "Provided that with the consent of the land-lord, any tenancy can be terminated by a tenant before the expiry of a period of five years by surrendering his interest as a tenant in favour of the land-lord".

5) In the case on hand, the tenancy is only on one year basis, and the applicant is fully aware of the fact that he has to surrender the land after the expiry of the term for which he has agreed. The land is

no longer ....

The land is no longer an agricultural land as it has been acquired for non-agricultural purposes and commuted assessment has also been paid. The applicant is not an agriculturist. He is a dismissed official of the Municipality. Besides he is a milk-vendor. He does not own any house in Gokulam. These lands were intended to be kept for the use of the tenants of Gokulam. The idea of building this colony by the Trust Board was for the benefit of milkmen and to avoid the nuisance of cattle in congested areas of Mysore City.

6) The applicant Sri Boriah has since unauthorisedly cut and removed two trees from the land and for this offence, he has been made liable to pay a sum of Rs.100/- as damages, besides preventing him from cutting any more of them. A list of trees and plants standing on the land furnished by the Avenue Inspector is ~~xxxxxxx~~ enclosed for kind perusal.

7) Mention may also be made in this connection that Sri Urge Gowda and others (residents of Gokulam) have presented a copy of their application addressed to the Minister, praying that the land be leased out to them to be used for grazing purposes.

8) The matter was placed before the Board at its meeting held on 31-3-1954 and the Trustees after inspection of the spot, have resolved that a suitable reply may be sent to Government on the above lines (copy enclosed).

9) From a perusal of the records, I am of opinion that it is not desirable to lease out the land to him in the interest of the Board and the intention of the Board is also to see that this land is given over on lease to the residents of the locality in piecemeal, to enable them to use the land for grazing or for small gardening purposes, subject to the condition of its being surrendered to the Board whenever required.

10) The Trust Board at its meeting held on 31-3-54 has also decided to lease a similar bit of land to the residents of the locality. A copy of the resolution No.443 dated 31-3-54 is also herewith

P.T.O.

enclosed for kind information. The above area is only 2 acres of land whereas the one leased out to Sri Boriah is 5 acres and 8 guntas.

11) I request that in the circumstances explained above, the stay order issued may kindly be raised to enable this office to proceed with the lease sale.

Yours faithfully,

S Linganna

(S.Linganna) 6/4
Chairman.

DVS)

ಮೈಸೂರು ಸಿಟಿ ಇಂಪ್ರೂವ್‌ಮೆಂಟ್ ಟ್ರಸ್ಟ್ ಬೋರ್ಡ್ ಚೇರ್‌ಮನ್ ರವರಿಗೆ

ಮೈಸೂರು ಸಿಟಿ ವಾರ್ಡಿಗಾಸ್ ಮೂಡಲ್ಲ ಗೊಂಪಲಂಕಾಡು ಡೊಗರೆ ನಂಬರ್ 3018 ನೇ ಮನೆವಾಸಿ ಬಿ. ಬೊಗರಂಯ್ಯನಾದ ನಾನು ಈದಿವಸ ಬಳಿದುಕೊಟ್ಟ ಮುಚ್ಚಳಿಕೆ ಏನೆಂದರೆ

ನಾನು ಕಛೇರಿ ಡಿಡ್ರಿಕ್ ನಂಬರ್ ಸಿ.ಸಿ 121/61-52 ಯೋಕಾ ರೀತಿ 7-5-1953 ರವರೆಗೆ ಕಛೇರಿ ಖಜಾನೆಗೆ ಕಾರಣ 21-9-1953 ರಲ್ಲಿ ಚಲನ್ ನಂಬರ್ 74/B.No458 ರವರೆಗೆ ರೂ 175/- ಮತ್ತು ಕಾರಣ 23-10-53 ರಲ್ಲಿ ಚಲನ್ ನಂಬರ್ 76/B No 459 ರವರೆಗೆ ರೂ ಮಾಮೂಲು 25/- ಹಿಚ್ಚು ಇಟ್ಟು ಮತ್ತು 200/- ರೂಗಳನ್ನು ಮೈಸೂರು ಕಾರ್ಪೊರೇಷನ್ ಕಛೇರಿಯಲ್ಲಿ ಕಾಮದ ನಿವೇಶನಂಬರ್ 210 ನ್ನ ಕಾ/-ಚಿತ್ರ ರಿಂದ ಮುಂದಕ್ಕೆ ಬಂದು ವರ್ಗಕ್ಕೆ ಸುತ್ತಿಗೆ ಹೊಡೆದು ಅಚಾಬ್ಯ ಸುತ್ತಿಗೆಯನ್ನು ಜಪ್ತಿ ಮಾಡಿಕೊಳ್ಳಲಿಲ್ಲ. ಅಲ್ಲದೆ ಕಟ್ಟಡದ ತೆರವಿಗೆ ನನ್ನನ್ನು ಯಾವ ರೀತಿಯಲ್ಲಿ ಬಲವಂತ ಮಾಡಿದೆವೆ ಮತ್ತು ಯಾವ ರೀತಿಯ ತೊಂದರೆಯನ್ನು ಕೊಟ್ಟಿದೆ ಕೋರ್ಟಿನ ತೀರ್ಪಿಗೆ ಬಿಟ್ಟು ತಕರಾರು ಮಾಡದೆ ಒಪ್ಪಿ ಬರೆದು ಕೊಟ್ಟ ಮುಚ್ಚಳಿಕೆ

Sd/ ಬೊಗರಂಯ್ಯ
3-12-53

Before me
Sd/ S. Linganna
Chairman
City Improvement Trust Board
Mysore.

"Copy"

S. Linganna 6/4
Chairman,
City Improvement Trust Board
MYSORE.
5/4/54

ಮೈಸೂರು ನಿವಿ ಇಂಪ್ರೂವ್ ಮೆಂಟ್ ಟ್ರಸ್ಟ್ ಬೋರ್ಡ್
ಕ್ಲೇರ್ಮ್ ಕಾಂಪೌಂಡ ಬರವರನಿಸ್ಸಿದ್ದಾನೆ
ಮೈಸೂರು ನಿವಿ ವಾರ್ಡ್ ವಿಲಾಸ ಮಾರ್ಕೆಟ್ ಸ್ಟೋರ್ ಲದಲ್ಲಿ
3018 ನೇ ನಂಬರ್ ಮನೆಯಲ್ಲಿ ವಾಸವಾಗಿರುವ ಬ್ಯಾಂಕರ್ಸ್
ನು ಬೇಡಿಕೊಳ್ಳುವುದೇನೆಂದರೆ.

ಮಹಾಶಯ

ಗರೀಬನಾದ ನನಗೆ ಕಳೆದ ಸಾಲವನ್ನು ಮೈಸೂರು ಕೋ
ರು ಮಾರಿಸಿಪ್ಪೆಡ್ಡಿಸೆಕ್ಯೂರಿಟಿ ಜಮೀನನ್ನು ಸಾಲವಳಿ
ಮಾಡುವುದಕ್ಕೆ ನನಗೆ ನೋಟಿಸ್ ಕೊಟ್ಟಿದ್ದಿರಿ. ಇನ್ನು ಮುಂದೆ
ಯೂ ಕೂಡ ಒಂದರೆ ಸಾಲವಳಿ ಮಾಡುತ್ತಿರುವ ಜ
ಮೀನನ್ನು ಕಾಪು ಕೊಳ್ಳಲಿಕ್ಕೆ ನಿನಗೆ ಲುತ್ಕಂಠವಾಗಿ
ನಿರ್ಧಾರವಾಗಿದ್ದರೂ ನೋಟು ಕಾಪಾಡಿಕೊಂಡು ಬರಬೇಕೆಂದು ಬೇಡಿಕೊಳ್ಳಲಿಕ್ಕೆ
ನೆ. ಕಾಪು ಮಾಡಿಕೊಳ್ಳಲಿಕ್ಕೆ ಕೊಡಲಿಲ್ಲವಾದರೆ ಕೊಳ್ಳಲಿಕ್ಕೆ
ನಿನಲುತ್ಕಂಠವಾಗಿದ್ದಲ್ಲಿ ಒಪ್ಪಿಸಿದ ಕೊಡಿಸಿಕೊಡುತ್ತೇನೆಂದು ಹೇಳಿ ನನ್ನ
ಜಮೀನಿನಲ್ಲಿ ನನ್ನ ಇರುವ ತೊಗಲನ್ನು ಕೇಳಿದುಕೊಂಡು
ಹಿಟ್ಟು ಹೊಡಲು ಕೊಟ್ಟೆನು. ಕಾಪು ವರುಷ ಬಂದಲ್ಲಿ ನಿನಗೆ
ಮಾಡಿಕೊಡುವೆನು ಸಾಲವನ್ನು ಸಾಲಸೂಲ ಮುಂದಾಗಿ
ಅಡ್ಡಿಯನ್ನು ಕಟ್ಟಲಿಕ್ಕೆನೆ. ಮುಂದಿನ ಸಾಲವನ್ನು ಜಮೀನನ್ನು
ಈದಿವನಕ್ಕೆ ಕೇಳಿದುಕೊಂಡು ಕಾಪಾಡಿಕೊಂಡು ಬರಬೇಕೆಂದು
ಬೇಡಿಕೊಳ್ಳಲಿಕ್ಕೆನೆ.

ಮಹಾಶಯ.

ಸಹಿ ಚೆಲ್ಲಕಾರಯ್ಯ
18-12-51

Copy

S. Lingamma
Chairman,
City Improvement Trust Board
MYSORE.
5/1/52

(23)

Mysore City Improvement Trust Board. Mysore

Before Sri P. Gopalakrishna Setty. B.A. B.L
Chairman.

(1) Name: Boraiah
(2) Father's name: Boregowda
(3) Age 45
(4) Race & Caste. Vokkaliga
(5) Residence: 3018. Gokulam Road. V.V. Mohalla. Mysore.
(6) occupation. Agriculturist

ಅ

ಬೋರಯ್ಯನವರು ಮೈಸೂರು ವಿ.ವಿ. ಮೊಹಲ್ಲಾದಲ್ಲಿ ವಾಸವಾಗಿದ್ದುಕೊಂಡು ಬೇಸಾಯ ಮಾಡಿಕೊಂಡಿದ್ದಾರೆ. ಈ ಜಮೀನನ್ನು ಈಗ ಸರ್ಕಾರದವರು ಸಿ.ಐ.ಟಿ. ವತಿಯಿಂದ ಸ್ವಾಧೀನ ಮಾಡಿಕೊಳ್ಳುವುದಾಗಿ ನೋಟೀಸು. ಈ ಜಮೀನು ಯು. ಸಿ.ಎಸ್. ರಂಗಸ್ವಾಮಿಯಂಗಾರ್ ಅವರಿಂದ ಬೋರಯ್ಯನವರು ಕ್ರಯಕ್ಕೆ ತೆಗೆದುಕೊಂಡಿದ್ದು. ಸಿ.ಐ.ಟಿ. ವತಿಯಿಂದ ರೂ 100/- ಒಂದು ನೂರು ರೂಪಾಯಿಗಳಿಗೆ ತೆಗೆದುಕೊಂಡಿದ್ದಾರೆ. ಸದರಿ ಜಮೀನು ಸರ್ಕಾರಕ್ಕೆ ಅಪ್ಪಣೆಯಾಗಿ ಅದನ್ನು ಸಂಗತಿ ನನಗೆ ತಿಳಿಸಿದ್ದಾರೆ. ಆದ್ದರಿಂದ ನೋಟೀಸಿನ ಬಾಬ್ತು ವಿಚಾರಿಸಿ ತಿಳಿಸಿರಬೇಕಾಗಿ ಕೋರಿದ್ದಾರೆ. ಅವರಿಗೆ ಯಾವ ರೀತಿ ಜಮೀನಿನವರಿಗೆ ಪರಿಹಾರ ಇಚ್ಚಿಸಬೇಕೆಂದು ಕೇಳಿದ್ದೆ. ಅದಕ್ಕೆ ಅವರು ಸರ್ಕಾರದವರಿಗೆ ಅಪ್ಪಣೆಯಾಗಿ ಈ ಜಮೀನನ್ನು ಈ ದಿನ ಪರಿಹಾರದ ಮೇರೆಗೆ ಸರ್ಕಾರಕ್ಕೆ ಬರೆದು ಕೊಟ್ಟಿರುತ್ತೇನೆ. ನಿಮ್ಮ ಆಜ್ಞೆಯಾದಂತೆ ಅಪ್ಪಣೆಗೆ ಇಲ್ಲದೆ ನಾನಾಗಲೀ ನನ್ನ ಕಡೆಯವರಾಗಲೀ ಸದರಿ ಜಮೀನಿನಲ್ಲಿ ಇಲ್ಲಿಂದ ಮುಂದೆ ಕ್ರಯ ಮಾಡುವುದಿಲ್ಲವೆಂದು ಬರೆಸಿಕೊಳ್ಳಬೇಕಾಗಿ ಮನವಿ.

ಇಂತಿ ವಿಧೇಯ.

20.6.51

R.O & Acc

Signed & execution admitted.
Before me.

S/d R.V. Ramakrishna.
S.O.

S/d ಬೋರಯ್ಯ

S/d P. Gopalakrishna Setty.
20.6.51
Chairman
City Improvement Trust Board
Mysore

"Copy"
Chairman,
City Improvement Trust Board.
MYSORE.

(24)

City Improvement Trust Board, Mysore.

Dated 5th April 1954.

Extract from the Proceedings of the Ordinary Meeting of the Board of Trustees for the Improvement of the City of Mysore, held on 31-3-1954.

XXXX XXXX XXXX

443: Application dated 3-3-54 from Sri Hanumiah, Narasimhiah and Chinniah, residents in Gokulam houses, V.V.Puram, Mysore, requesting continuance of the lease of the vacant land and katte, for a period of ten years on the same rent as heretofore or on an enhanced rent of Rs.50/- for reasons specified therein and office note thereon.

The area may be divided into small plots and leased out to the inhabitants of Gokulam including the three applicants.

Sd/S.Linganna,
Chairman.
31-3-1954.

XXXX XXXX XXXX

"Copy"

S. Linganna 6/4
CHAIRMAN

DVS)

(25)

City Improvement Trust Board, Mysore.

Dated 5th April 1954.

Extract from the Proceedings of the Ordinary Meeting of the Board of Trustees for the Improvement of the City of Mysore, held on 31-3-1954.

XXXX XXXX XXXX

450: Letter No.L.15938 dated 4-2-1954 from the Secretary to Government, L.S.G.Department, issuing a stay order for auctioning the lease of S.No.210, Gokulam and office note thereon re: the reply to be sent to Government.

Office note approved. A suitable reply may be sent to Government on the lines of the office note.

Sd/S.Linganna,
Chairman.
31-3-1954.

XXXX XXXX XXXX

"Copy"

S. Linganna
CHAIRMAN

DVS)

(26)

CITY IMPROVEMENT TRUST BOARD, MYSORE.

Report dated 20-3-54 of the Avenue Inspector, City Improvement Trust Board, Mysore.

xxx xxx xxx

1. Ficus glomarata	=	2
2. Ficus Tsicla	=	1
3. Sesbania-grandiflora	=	1
4. Phoenix-sylvestris	=	7
5. Albazzia-stipulata	=	2
6. Melia-Azadirachta	=	12
7. Terminelia catappa	=	1
8. Moringe- Pterygosperma	=	1
9. Senecia- Lima	=	3
10. Atlantic colrea	=	1
11. Guava plants	=	9
12. Banana	=	3
13. Erythrina	=	6

EXTRACT

Chairman.

M. G. S. App. F. G. 3.

MYSORE GOVERNMENT

SECRETARIAT

(*Continuation sheet draft form*).

(27)

subject:- Lease of land in S. No. 210 of Ramagondanahalli Village

L 844
20-4-54

To,

The Chairman,

C.D.T. Board, Mysore.

Sir,

With reference to your letter No. B2.C.121/52 SL & ST/4/54 on the above subject, I am directed to request you to send a detailed report as called for in this office letter No 2411 & 14-4-54 in the light of further representation received from Sri. Nagaraj Gowda & others

Yours faithfully,

Asst. Secy

WD 03546—GPB—10,000 —14-8-53

(28)

GENERAL & REVENUE SECRETARIAT 676 R 1954 MUNICIPAL BRANCH.

No. B2.C.121/51-52

Encl.

OFFICE OF THE CHAIRMAN
CITY IMPROVEMENT TRUST BOARD,
Post Box No. 55 MYSORE.

Dated 20th April 1954

From

SRI S. LINGANNA
CHAIRMAN, CITY IMPROVEMENT TRUST BOARD, MYSORE.

To

Sri G.Venkatakrishna Rao, B.Sc.,(Hons), I.A.S.,
SECRETARY TO THE GOVERNMENT OF MYSORE,
LOCAL SELF-GOVERNMENT DEPARTMENT, BANGALORE

Sir,

Subject : Lease of land in S.No.210 of Maragowdanahalli.

With reference to correspondence ending with your letter No.L.411 dated 14-4-1954 on the above subject, I write to invite kind reference to this office letter No. B2.C.121/51-52 dated 8-4-54 furnishing a detailed report in the matter.

Yours faithfully,

S. Linganna
(S.Linganna)
Chairman.

DVS)

(29)

No. B2.C.121/51-52. 756

OFFICE OF THE CHAIRMAN
CITY IMPROVEMENT TRUST BOARD,
Post Box No. 55 MYSORE.

Encl:

Dated 23rd April 1954.

From

SRI S. LINGANNA
CHAIRMAN, CITY IMPROVEMENT TRUST BOARD, MYSORE.

To

Sri G.Venkatakrishna Rao, B.Sc.,(Hons), I.F.A.S.,
SECRETARY TO THE GOVERNMENT OF MYSORE,
LOCAL SELF-GOVERNMENT DEPARTMENT, BANGALORE.

Sir,

Subject : Lease of land in S.No.210 of Maragowdanahalli village.

With reference to correspondence ending with your letter No.L.845 dated 20-4-1954 on the above subject, I write to invite kind reference to this office letter of even No. dated 19/21-4-1954.

Yours faithfully,

S.Linganna 23/4/54

(S.Linganna)
Chairman.

DVS)

(30)

Appendix F.G—1]

SUBJECT Lease of land in S.No 210 of Ramagondanahalli Village, Hyderabad Taluk.

Section I & B.
File No. 30 Dtt
Serial No. 2

Draft

Diary No. of letter replied to .....

No. L 3)43/)-)-52

To

The Chairman, C.D.T. Board, Hyderabad

Mysore Government Secretariat

( )

the *195*

Sir,

Date of issue.....

With reference to your letter No B2: C. 121/51-52 dt 20 4/54 on the above subject, I am directed to state that further necessary action may be taken to take possession of the land & dispose of otherwise as decided by the C.D.T. Board. The stay order issued in this behalf is vacated

Signed by .....

List of enclosures.....

may kindly be got signed

Copied by .....

Examined by.....

Yours faithfully,
Asst Secy

WD 03545—GPB—40,000—25-6-53

(31)

Appendix F.G—1]

SUBJECT Disposal of lands in S. No 210 of Nanagondanahalli Village Mysore Taluk by the C.I.T.B. Mysore.

Section I T B.

File No. 30. 34

Serial No. 3.

Ref:- Endorsement No L 15939

No. L 3)44 dt 4-3-54.

To

Endorsement granted to

Sri. Boriah, D. No. 3018, at Gokulam, V.V. Mohalla, Mysore through his counsels Sri. C.T. Devanath, B.A.LL.B and Sri P.T. Natesa, Mysore.

with reference to his appeal petition dt 4-3-1954 on the above subject, Sri. Boriah is informed that, Govt have considered all aspects of the case, and they see no reason to interfere

Mysore Government Secretariat

( )

the 195

Diary No. of letter replied to

Date of issue

Signed by

List of enclosures

Copied by

Examined by

II Appl- 3 copies

with the decision taken by the C.B.I.T.B., Bombay, in this behalf. The stay order issued is therefore vacated. ~~the stay orders issued~~ He is further informed that the stay order issued in this behalf is vacated.

Asstt. Secy.

37

New. 3745
2-7-54

Copy to the Chairman, C.B.I.T.B. for information

Asstt. Secy.

7/7/54

(33) 335

GOVERNMENT OF MYSORE.

Mysore Government
~~General and Revenue~~ Secretariat,
Municipal Branch,

No. L. 3346 /979 50-54-3 *Dated, Bangalore...)..... July .....1954.*

ENDORSEMENT.

Granted to
Sri Boriah,
D.No.3018 at Gokulam, V.V.Mohalla, Mysore,
through his counsels
Sri C.J. Devanath, B.A.,LL.B.,
Advocate, Mysore.

Subject:- Disposal of land in S.No.210 of Maregowdanahalli village, Mysore Taluk by the City Improvement Trust Board, Mysore.

Ref: Endorsement No.L.15939 dated 4-3-1954.

....

With reference to his appeal petition dated 4-3-195 on the above subject, Sri Boriah is informed that Government have considered all aspects of the case and they see no reason to interfere with the decision taken by the City Improvement Trust Board, Mysore, in this behalf. He is further informed that the stay order issued ~~in this behalf~~ is vacated.

(Sd.)
(V. Hanumanthappa)
Asst. Secretary to Government
L.S.G. & Planning Departments.

Memo No.L.3345 /) 7-54
Copy of the above is forwarded to the Chairman, City Improvement Trust Board, Mysore, for information.

(V.Hanumanthappa)
Asst. Secretary to Government,
L.S.G. & Planning Departments.

LNS.3.7/7.

(34)

No. B2.C.121/51-52.

GENERAL & REVENUE SECRETARIAT
2216
-2 3JUN 1954
MUNICIPAL BRANCH.

OFFICE OF THE CHAIRMAN
CITY IMPROVEMENT TRUST BOARD,
Post Box No. 55 MYSORE.

Encl:

Sir MA 2216

Dated 18th June 1954.

From

SRI S. LINGANNA
CHAIRMAN, CITY IMPROVEMENT TRUST BOARD, MYSORE.

To

Sri G.Venkatakrishna Rao, B.Sc.,(Hons), I.A.S.,
SECRETARY TO THE GOVERNMENT OF MYSORE,
LOCAL SELF-GOVERNMENT DEPARTMENT, BANGALORE

Sir,

Subject: Lease of land in survey No.210 of Maragowdanahalli village, Mysore Taluk.

7516

I write to invite kind reference to this office letter of even No. ~~dated 5-4-1954 forwarding~~ for information of Government, a report in detail, re: the above subject, and to state that the stay order imposed in letter No.15938 dated 4-3-1954 from you has not been raised so far. As much inconvenience is felt and the Board is losing revenue on account of this stay order, I request that orders of Government raising the stay order imposed on the auction sale of this survey number be communicated at a very early date, so as to enable the Board to proceed further in the matter.

P.T.O.

35

I request the favour of very early orders in the matter.

Yours faithfully,

S. Linganna 18/6.

(S.Linganna)
Chairman.

DVS)

C. F. 74]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

WD 01402—GPB—35,000 copies—18-10-52

2216
Ml

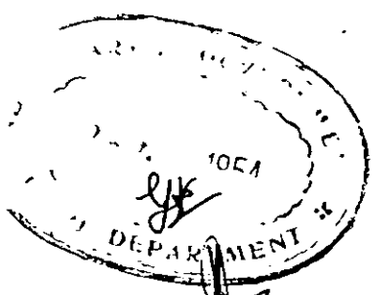
756
rd

The main file has been submitted with a draft letter. This will be placed in the connected file after its return.

M
1/7
7/7

N. B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

(36)



BEFORE THE HONOURABLE MINISTER FOR

HEALTH AND TRUST BOARDS,

Government of Mysore,

Bangalore.

Petitioner: Boriah son of Boregowda, residing in Door No.3018 at Gokulam, Vanivilas Mohalla, Mysore City.

The Petitioner begs to state as follows:

1. That the petitioner submitted a petition to this Court on 4-3-1954, the copy of which herewith enclosed. This Court after hearing, was pleased to grant a Stay Order, as per endorsement No.15939 of 4-3-1954, by which the lawful possession of the petitioner was maintained.

2. The petitioner was expecting that this Hon'ble Court would give an opportunity to explain the real situation and the hard condition in which he was placed. More than all, he was very anxious that your goodself would inspect the spot and then proceed to

(37)

pass a final order. The spot inspection would have fully convinced the -- Court about the actual condition and the truth or otherwise of the averments made in the petition.

3. Unfortunately, this Court has passed an exparte order No.L.3744/97-B.50-54 of 7-7-54 dismissing the -- petition dated 4-3-54 and consequently vacated the Stay order. This has resulted in a great loss by way of damage to the petitioner and his family would be completely ruined.

Pleading (page 33)

4. As a result of his hard -- labour and heavy expenditure, the petitioner has raised crop in the said land and if he has to be dispossessed at this juncture and in the middle of an agricultural year, he will have to suffer irreperable loss and his family will have to starve throughout the year, as it is the only source of income for maintaining his family.

5. Wherefore the petitioner -- prays that the Hon'ble Court be pleased to set aside the exparte order and allow

(continued on page 3)

(38)

the petitioner to continue as -- tenant under the Mysore City Improvement Trust Board, till the land is required for a purpose, other than agriculture or if the Court feels that rent of Rs.200/- is less then the Court may enhance it by Rs.50/-. Further during the pendency of this petition a Stay order may kindly be issued.

P. M. Chikkanaiah.
Counsel for
the Petitioner.

PETITIONER.

Dated, 21 July 1954.

(39)

BEFORE THE HONOURABLE MINISTER FOR HEALTH
AND TRUST BOARDS,
Government of Mysore,
BANGALORE.

Petitioner. Boriah son of Boregowda,
residing in Door No.3018,
at Gokulam, Vanivilas Mohalla,
Mysore City.

The petitioner begs to state as follows:

1. That the petitioner is a poor agriculturist by profession and caste. He being the only earning member, with no lands of his own, has been cultivating S.No.210 of Margowdanahally village, Mysore Taluk, which belongs to the -- Mysore City Improvement Trust Board. The petitioner with hard work and intensive cultivation of the aforesaid land has continuously managed to maintain his family consisting of 8 members.

Facts of the case.

The land under dispute i.e.S.No.210, Margowdanahally village the extent of which is 5 acres 8 guntas was owned by one Sr.C.S.Rangaswamy Iyengar and subsequently in the year 1951, the Mysore City Improvement Trust Board acquired the same. Thus the land vested with the Mysore City Improvement Trust Board. But inspite of this change in ownership, the petitioner has been in continuous possession and enjoyment of this land for the last fourteen years. Sri C.S.Rangaswamy Iyengar, the previous owner had leased this land

(40)

for a rent of Rs.40/- for about 8 years and then it was enhanced to Rs.100/-. Further the Trust Board in the year 1951, enhanced the rent to Rs.200/- and at that time the then Chairman assured that the petitioner's lease will never be disturbed. The petitioner -- trusting this assurance made certain improvements such as levelling up the ground by which he brought the whole area under cultivation and constructed a big bund across this land so as to prevent destruction of crop from tank and heavy rush of rain water. There is a small breached tank towards the south of this land which has made this marshy place. In connection with the aforesaid improvement work, the petitioner in addition to his family labour, has spent more than Rs.500/-. After all such works have been done, the complete area of the land is under cultivation. It is only last year, the petitioner got good crop as a reward for his hard labour and improvement all these years.

At this juncture, some persons who are not in good terms with the petitioner and also who are engaged in Government service have filed two or three applications to the City Improvement Trust Board to get this land and only with a view to cause trouble to the petitioner, by depriving the only source of income to his family. This year, the petitioner filed an application to the Chairman, seeking his permission to remit the lease amount of Rs.200/-. But unfortunately the Chairman

issued an endorsement directing the petitioner to vacate the land and hand over possession to the Sub Overseer which is herewith produced. Further, about a week back the Chairman has announced in the Notice Board of his office that the aforesaid land lease will be sold by public auction on 6-3-54.

This order of sale and direction of eviction are against the law and justice and equity on the following grounds.

1. The policy of the Government is to safeguard the interest and to provide all possible facilities to tthe tenants. With that noble idea the Tenancy Act was given effect to throughout the State.

2. The petitioner has nothing to fall back upon if this only source of his family income is cut-off. Apart from this he has incurred a heavy debt in making improvements to this land. Inspite of this he is made to forego his right to reap the fruits of his labour his family will be completely ruined.

3. As the petitioner did not ever thought of eviction, or Mysore City Improvement Trust Board authorities never at any time informed of this idea. he cultivated the land as usual and at present he has planted tomatoes in about 1½ acres and some other vegetables in another ½ acre. The crop is just two -- months old and it has commenced yielding only this week. In case if he has to loose this

(42)

crop means this poor family will have to starve throughout this year.

4. To provide an opportunity or to hear the representations of the tenant both -the Transfer of Property act S.106 and the Mysore Tenancy Act have laid down certain principles. The Chairman has violated these formalities contemplated under law. More than all, the tenant might have been given an opportunity to represent his grievances for his kind consideration. Instead of this, the present -- order is highly prejudicial to the petitioner's interest against to law, equity and justice.

5. Under these circumstances, the petitioner's case deserves sympathetic consideration in doing justice and to save this poor agriculturist's family. The balance of convenience is to stay the auction proceedings announced by the Chairman and allow this person to continue as tenant so that the standing crop at present may not be in any way interfered with any one else.

Wherefore, the petitioner most humbly prays that the lease of the land of S.No.210 of Hargowdanahally village, Mysore Taluk may kindly be granted in his favour and further ordered that during the pendency of this petition the sale proceedings may be stayed.

Advocate for
Petitioner.

Petitioner.

IN THE COURT OF Hon'ble Health Minister. Govt of Mysore Bangalore

No. of 195 –195 .

Plaintiff/Appellant/Petitioner Decree-Holder/Claimant		Defendant/Respondent Judgment Debtor
Boraiah	Vs.	

1. I/We petitioner above named do, by these presents, retain Messrs P.M. Chikkalinah, B.A.B.L. Advocate to appear and conduct the above case on my/our behalf to judgment.

2. I/We further empower him/them to appear, plead, file petitions, enter into compromise and do all necessary acts in the above case, to execute any decree or order, that may be passed in my/our behalf, to prefer an appeal from any order, judgment, and to receive from the Court all documents, refunds and all sums of money that I/We may be entitled to get and grant receipts therefor and to effect compromise or settlement.

3. I/We also undertake to confirm and ratify all the acts done by any of the said Advocates or by any other Advocate or Pleader on his/their behalf in so doing.

4. I/We further agree that if I/We fail to pay the fees agreed upon or to give due instructions at proper stages he/they are at liberty to retire from the case and recover all dues due to him/them.

19-7-1954

Accepted.

ಬೋರಯ್ಯ

P.M. Chikkalinah
Advocate for petitioner.

Personally known to me and signed in my presence.

P.M. Chikkalinah.
Advocate for the petitioner.

21-7-54.

Forms can be had of :- The Bar Association Co-operative Society, Ltd., Mysore.

Vyasa Patrika Press, Mysore

(44)

GOVERNMENT OF MYSORE.

Mysore Government
~~General and Revenue~~ Secretariat,
Municipal Branch,

No. L.3244/1953-54-3 *Dated, Bangalore.....7.....July.....1954.*

ENDORSEMENT.

Granted to
Sri Boriah,
D.No.3018 at Gokulam, V.V.Mohalla, Mysore,
through his counsel
Sri C.J. Devanath, B.A.,LL.B.,
Advocate, Mysore.

Subject:- Disposal of land in S.No.210 of Maregowdanahalli village, Mysore Taluk by the City Improvement Trust Board, Mysore.

Ref: Endorsement No.L.15939 dated 4-3-1954.

....

With reference to his appeal petition dated 4-3-1954 on the above subject, Sri Boriah is informed that Government have considered all aspects of the case and they see no reason to interfere with the decision taken by the City Improvement Trust Board, Mysore, in this behalf. He is further informed that the stay order issued ~~in this behalf~~ is vacated.

(V. Hanumanthappa) 7/7
Asst. Secretary to Government
L.S.G. & Planning Departments.

LNS.3.7/7.

Subject :- Lease of land in S. No 210 of Saraguru Lake — Mysore.

To, (6515) Encl —
4.9.54

The chairman, C.S.T.B,
Mysore

Sir,

I am directed to send herewith a copy of petition dt 21-7-54 received from Sri. Boriah on the above subject, and to request you to furnish your remarks on the request made, immediately

a copy please

Yours faithfully
2918
Asst Secy
C.S.

BM 30/8/54

(46)

Mysore Government
xxxxxxxxxxxxxx/
Municipal Branch,

L. 1 (515) En. 54 — 4.9.54

The Asst.
L.S.G. & Planning Departments

To

The Chairman,
City Improvement Trust Board,
Mysore.

Sir,

Subject:- Lease of land in S.No.210 of Maregowdanahalli - Mysore.

I am directed to send herewith a copy of petition dated 21-7-1954 received from Sri Boriah on the above subject and to request you to furnish your remarks on the request made, immediately.

Yours faithfully,

(V. Hanumanthappa)
Asst. Secretary to Government,
L.S.G. & Planning Departments.

LNS.2.30/8.

176/P

(47)

No.B2.C.121/51-52.
Encl.

OFFICE OF THE CHAIRMAN,
CITY IMPROVEMENT TRUST BOARD,
POST BOX NO. 55, MYSORE.

Dated 14th Septr. *195* 4.

MYSORE GOVERNMENT SECRETARIAT
NO 4273
17 SEP 1954
MUNICIPAL BRANCH

FROM

SRI S. LINGANNA,
Chairman, City Improvement Trust Board,
MYSORE.

To

Sri G.Venkatakrishna Rao, B.Sc.,(Hons), I.A.S.,
Secretary to the Government of Mysore.
Local Self-Government & Planning Departments,
BANGALORE.

SIR,

Subject :Lease of land in S.No.210 of Maragowdanahalli village, Mysore Taluk, Mysore.

With reference to your letter No.L.6515 dated 4-9-1954 forwarding for my remarks the copy of the application dated 21-7-54 presented by Sri Boriah on the subject referred to above, I write to state that the facts of the case have already been explained at great length in my letter of even No. dated 8-4-1954, whereupon his previous representation for confirmation of lease of land in his favour was turned down by Government in their order No. L.3743/I.T.B.50-54-2 dated 7-7-1954. I have besides explained in my previous letter how undesirable it is to lease the land in his favour without detriment to the interest of the Board. The residents of the locality (Gokulam) are also agitating that the land should be distributed for cultivation by dividing the area into small bits.

2) I would also like to point out that he is a dismissed official of the City Municipality and owes a sum of Rs.816-8-0 to the Trust Board. He has somehow evaded payment of the lease amount to my predecessor. My predecessor had to seek even Police help to see that the land was taken possession of. Even then, the office was only able to take fresh lease deed from him. This applicant is speaking with two voices. His applications to Government are of the tone of S.O.S. messages sent out from a sinking ship, whereas he speaks to this office only through Lawyer notices seeking shelter under various sections pertaining to an agriculturist. He is neither

P.T.O.

(48)

an agriculturist nor is the land leased to him an agricultural land since conversion fine has been paid and this land is a site area. The lease amount of the current year due by him since January 1954 has not been paid inspite of notices issued to him. The Board is not definitely in favour of leasing the land to him; but is in favour of distributing the same to the residents of Gokulam. The land which was a dry one has now become wet by sullage water being available in the area and the land if distributed piece-meal as decided by the Board, will fetch easily twice or thrice the amount that is realised now.

3) Further, some three months back, Sri Boriah has unauthorisedly cut and removed some of the old trees existing on the land and for this offence, a penalty has been imposed on him which he has not yet paid.

4) I agree with the Board in ~~their~~ their decision to take back the land and distribute it to the residents of Gokulam for gardening purposes. the "JOLA" crop of the applicant has been removed by him and there is nothing on the land except a small plot of grass and this is the proper time to take possession.

Yours faithfully,

S. Linganna 14/9/54

(S.Lingamna)
Chairman.

DVS)

Entitlement granted to (49)
Sri. Boriah son of Boregowda
D.No.301 & at Gottulam
V.V. Mohalla, Mysore city
through his counsel
Sri. P.M. Chikkaboriah B.A. LL.
Advocate, Mysore city

3 wfs

L.8491/ITB. SO. 54 — 4
13-10-54.

~~With~~ Subject:- ~~Disposal~~ Lease of land in
S.No 210 of Maragowdanahalli
Village, Mysore Taluk.

vide page 36 / with reference to his appeal petition
dt 21-9-54 addressed to the Minister
for P.H and Tpt on the above subject,
Sri. Boriah is informed that ~~he~~ ~~has~~
~~see~~ no reason to reconsider the orders
already passed and communicated
vide page 33 / in ~~letter~~ endorsement No 3744/I.T.B.
50-54-3 dt 7-7-54. His petition
is therefore rejected.

The
10/ ~~Hon~~ Secy

Memo. L.8492 13/10/54.

Copy of the above is forwarded to
the Chairman, C.I.T.B, Mysore,
for information & for the necessary
action, with reference to his
letter No. B2. C.121/51-52 dt 14-9-54
on the ~~above~~ subject

~~Hon~~ Secy
5/10/54

~~Hon~~ Secy
S.D.

(50)

GOVERNMENT OF MYSORE.

Mysore Government
General and Revenue Secretariat,
Municipal Branch,

No. L. 8491 | ITB 50-54-4 *Dated, Bangalore,* 13th October *1954.*

ENDORSEMENT.

Granted to

Sri Boriah, son of Bore Gowda,
D.No.3018 at Gokulam,
V.V.Mohalla, Mysore City,

through his counsel Sri P.M.Chikkaboriah, B.A.,B.L.,
Advocate, Mysore City.

Subject:- Lease of land in S.No.210 of Maragowdanahalli village, Mysore Taluk.

With reference to his appeal petition dated the 21st September 1954 addressed to the Minister for Public Health and Local Self-Government on the above subject, Sri Boriah is informed that Government see no reason to reconsider the orders already passed and communicated in endorsement No.L.3744/I.T.B. 50-54-3 dated the 7th July 1954. His petition is, therefore, rejected.

(Sd.) V. Hanumanthappa)
Asst. Secretary to Government,
L.S.G. & Planning Departments.

Memo No.L. 8492 10/ 13/54.

Copy of the above is forwarded to the Chairman, City Improvement Trust Board, Mysore, for information and further necessary action, with reference to his letter No.B2.C.121/51-52 dated 14-9-1954 on the subject.

(V.Hanumanthappa)
Asst. Secretary to Government,
L.S.G. & Planning Departments.

LL.3.5/10.